

CHAPTER 4 RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

[Prior to 9/24/86, Labor, Bureau of [530]]

[Prior to 10/7/98, see 347—Ch 4]

875—4.1(88) Purpose and scope. These rules provide for record keeping and reporting by employers covered under Iowa Code chapter 88 as necessary or appropriate for enforcement of the Act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation and analysis of occupational safety and health statistics.

875—4.2(88) Log and summary of occupational injuries and illnesses.

4.2(1) Each employer shall, except as provided in 4.2(2): (1) Maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and (2) enter each recordable injury and illness on the log and summary as early as practicable but no later than six working days after receiving information that a recordable injury or illness has occurred. For this purpose, Form OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in the form and instructions on Form OSHA No. 200.

4.2(2) Any employer may maintain the log and summary of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

a. There is available at the place where the log and summary is maintained sufficient information to complete the log and summary to a date within six working days after receiving information that a recordable case has occurred, as required by 4.2(1).

b. At each of the employer's establishments, there is available a copy of the log and summary which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

875—4.3(88) Records. Records shall be established on a calendar-year basis.

875—4.4(88) Supplementary record.

4.4(1) In addition to the log and summary of occupational injuries and illnesses provided for under rule 4.2(88), each employer shall have available for inspection at each establishment within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration OSHA Form No. 101. Workers' compensation, insurance or other reports are acceptable alternative records if they contain the information required by OSHA Form No. 101. The state of Iowa Form L-1/WC-1 meets the above requirements. If no acceptable alternative record is maintained for other purposes, OSHA Form No. 101 shall be used or the necessary information shall be otherwise maintained.

4.4(2) All employers shall report to the Iowa division of workers' compensation any occupational injury or illness which temporarily disables an employee for more than three days or which results in permanent total disability, permanent partial disability or death. This report shall be made within four days from such event when such injury or illness is alleged by the employee to have been sustained in the course of the employee's employment. First reports of injury are to be filed in the form and manner required by the division of workers' compensation. A report to the division of workers' compensation is considered to be a report to the division of labor services. The division of workers' compensation shall forward all reports to the division of labor services. This rule does not excuse employers from notifying the division of labor services of fatality or multiple hospitalization accidents as required by rule 875—4.8(88).

875—4.5(88) Annual summary.

4.5(1) Each employer shall post an annual summary of occupational injuries and illnesses for each establishment. This summary shall consist of a copy of the year's totals from the Form OSHA No. 200 and the following information from that form: calendar year covered, company name, establishment name, establishment address, certification signature, title, and date. A Form OSHA No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros must be entered on the totals line, and the form must be posted.

4.5(2) The summary shall be completed by February 1 of each year.

4.5(3) Each employer, or the officer or employee of the employer who supervises the preparation of the log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee who supervises the preparation of the annual summary of occupational injuries and illnesses, at the bottom of the last page of the log and summary or by appending a separate statement to the log and summary certifying that the summary is true and complete.

4.5(4) Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted in 875—3.1(88). The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report for work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary portion of the log and summary during the month of February of the following year to each such employee who receives pay during that month. For multiestablishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

A failure to comply with the requirements of this rule may result in the issuance of citations and assessment of penalties pursuant to Iowa Code sections 88.7 and 88.14.

875—4.6(88) Retention of records. Records provided for in rules 4.2(88), 4.4(88), and 4.5(88) shall be retained in each establishment for five years following the end of the year to which they relate.

875—4.7(88) Access to records.

4.7(1) Each employer shall provide, upon request, records provided for in rules 4.2(88), 4.4(88), and 4.5(88) for inspection and copying by any representative of the labor commissioner for the purpose of carrying out the provisions of the Act, and by authorized representatives of the Secretary of Labor or of the Secretary of Health and Human Services.

4.7(2) Log and summary.

a. The log and summary of all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in 4.2(88) shall, upon request, be made available by the employer to any employee, former employee, and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log for any establishment in which the employee is or has been employed.

b. Nothing in this rule shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this rule.

c. Access to the log provided under this rule shall pertain to all logs retained under the requirements of 4.6(88).

This rule is intended to implement Iowa Code sections 17A.3 and 88.6(3).

875—4.8(88) Reporting of fatality or multiple hospitalization incidents.

4.8(1) Within eight hours after the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident, the employer of any employees so affected shall orally report the fatality/multiple hospitalization by telephone or in person to the IOSH Administrator, Iowa Division of Labor, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209, telephone 1-800-JOB-IOWA. After working hours, reports may be reported to a message center at (515)281-5668.

4.8(2) This rule applies to each fatality or hospitalization of three or more employees which occurs within 30 days of an incident.

4.8(3) Each report required by this rule shall relate the following information: establishment name, location of incident, time of incident, number of fatalities or hospitalized employees, contact person, telephone number, and a brief description of the incident.

4.8(4) Exception. If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under subrules 4.8(1) and 4.8(2), the employer shall make the report within eight hours of the time the incident is reported to any agent or employee of the employer.

875—4.9(88) Falsification or failure to keep records or reports. Falsification of or failure to maintain records or file reports as required by this chapter, or in the details required by forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in Iowa Code sections 88.7, 88.8 and 88.14.

875—4.10(88) Change of ownership. Where an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which that employer owned the establishment. However, in the case of any change of ownership, the employer shall preserve those records, if any, of the prior ownership which are required to be kept under this chapter. The records shall be retained at each establishment to which they relate, for the period or remainder thereof, required under rule 4.6(88).

875—4.11 Reserved.

875—4.12(88) Petitions for record-keeping exceptions.

4.12(1) Submission of petition. Any employer who wishes to maintain records in a manner different from that required by this chapter may submit a petition containing the information specified in subrule 4.12(3) to the Regional Commissioner, Bureau of Labor Statistics, BLS Regional Office, Kansas City, Missouri. State and local governmental units in Iowa shall submit their petitions to the labor commissioner of the division of labor services.

4.12(2) Opportunity for comment. Affected employees or their representatives shall have an opportunity to submit written data, views or arguments concerning the petition to the labor commissioner or BLS regional commissioner within ten working days following the receipt of notice under 4.12(3)“e.”

4.12(3) Contents of petition. A petition filed under 4.12(1) shall include:

- a. The name and address of the applicant;
- b. The address of the place or places of employment involved;
- c. Specifications of the reasons for seeking relief;
- d. A description of the different record-keeping procedures which are proposed by the applicant;
- e. A statement that the applicant has informed affected employees of the petition by giving a copy thereof to them or to the authorized representative or by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this paragraph shall be posted in each establishment in the same manner that notices are required to be posted under rule 875—3.1(88). The applicant shall also state that affected employees have been informed of their rights under subrule 4.12(2);

- f. In the event an employer has more than one establishment the employer shall submit a list of the states in which the establishments are located and the number of establishments in each state. In the further event that certain of the employer’s establishments would not be affected by the petition, the employer shall identify every establishment which would be affected by the petition and give the state in which they are located;

- g. Any petition granted pursuant to 29 CFR 1904.13 shall be granted automatically as if it were applied for pursuant to this rule.

875—4.13(88) Description of statistical program. Iowa Code section 88.18 directs the labor commissioner to develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. The program shall consist of periodic surveys of occupational injuries and illnesses.

875—4.14(88) Duties. Upon receipt of an Occupational Injuries and Illnesses Survey Form, the employer shall promptly complete the form in accordance with the instructions contained therein and return it to the division of labor services.

875—4.15(88) Employees not in fixed establishments. Employers of employees engaged in physically dispersed operations as occur in construction, installation, repair or service activities who do not report to any fixed establishment on a regular basis but are subject to common supervision may satisfy the provisions of 4.2(88), 4.4(1) and 4.6(88) with respect to such employees by:

1. Maintaining the required records for each operation or group of operations which is subject to common supervision (field superintendent, field supervisor, etc.) in an established central place;
2. Having the address and telephone number of the central place available at each worksite; and
3. Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

875—4.16(88) Small employers.

4.16(1) An employer who had no more than ten employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this chapter except subrule 4.4(2) concerning workers’ compensation reportable cases and rule 4.8(88) concerning fatalities or multiple hospitalization accidents (i.e., the employer need not maintain the log and summary, OSHA Form No. 200, the supplementary record, OSHA Form No. 101 or Iowa Form L-1/WC-1(309-5012), nor prepare or post the summary).

4.16(2) Subrule 4.16(1) shall not apply when an employer has been notified in writing by the United States Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses. If selected, an employer will be required to maintain the log and summary of occupational injuries and illnesses (OSHA Form No. 200) in accordance with rule 4.2(88) and to make reports in accordance with rule 4.14(88) for the period of time which is specified in the notice.

This rule is intended to implement Iowa Code section 88.6(3).

875—4.17(88) Bureau of inspections and reporting, research and statistical section forms. The forms are being omitted from this publication. Copies are available from the division.

4.17(1) OSHA No. 200—Log and summary of occupational injuries and illnesses.

4.17(2) OSHA No. L-1/WC-1(309-5012): Employers work injury report and employers first report of injury.

875—4.18(88) Definitions. The definitions and interpretations contained in Iowa Code section 88.3 shall be applicable to the terms when used in this chapter. As used in this chapter unless the context clearly requires otherwise:

“*Act*” means the Iowa Occupational Safety and Health Act, Iowa Code chapter 88.

“*Establishment*” means:

a. A single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, central administrative office, or governmental agency or subdivision thereof.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities operated from the same physical location as a lumber yard), each activity shall be treated as a separate establishment.

b. For firms engaged in activities such as agriculture, construction, transportation, communications and electric, gas and sanitary services which may be physically dispersed, records may be maintained at a place to which employees report each day.

c. Records for personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as traveling salespersons, technicians, and engineers, shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

“*Establishments classified in Standard Industrial Classification Codes (SIC) 52-89*” means and is applied to:

a. Establishments whose primary activity constitutes retail trade, finance, insurance, real estate and services are classified in SICs 52-89.

b. Retail trades are classified as SICs 52-59 and for the most part include establishments engaged in selling merchandise to the general public for personal or household consumption. Some of the retail trades are: automotive dealers, apparel and accessory stores, furniture and home furnishing stores, and eating and drinking places.

c. Finance, insurance and real estate are classified as SICs 60-67 and include establishments which are engaged in banking, credit other than banking, security dealings, insurance, and real estate.

d. Services are classified as SICs 70-89 and include establishments which provide a variety of services for individuals, businesses, government agencies, and other organizations. Some of the service industries are: personal and business services, in addition to legal, education, social and cultural; and membership organizations.

e. The primary activity of an establishment is determined as follows: For finance, insurance, real estate, and service establishments, the value of receipts or revenue for services rendered by an establishment determines its primary activity. In establishments with diversified activities, the activities determined to account for the largest share of production, sales or revenue will identify the primary activity. In some instances these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of the normal basis for determining the primary activity.

“*First aid*” is any one-time treatment and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. One-time treatment and follow-up visit for the purpose of observation are considered first aid even though provided for by a physician or registered professional personnel.

“*Lost workdays*” is the number of days (consecutive or not) after, but not including, the day of injury or illness during which the employee would have worked but could not do so; that is, could not perform all or any part of the employee’s normal assignment during all or any part of the workday or shift, because of the occupational injury or illness.

“*Medical treatment*” includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even though provided by a physician or registered professional personnel.

“*Recordable occupational injuries or illnesses*” are any occupational injuries or illnesses which result in:

- a. Fatalities, regardless of the time between the injury and death, or the length of the illness; or
- b. Lost workday cases, other than fatalities, which result in lost workdays; or
- c. Nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

875—4.19(88) Establishments classified in Standard Industrial Classification Codes (SIC) 52-89 (except 52-54, 70, 75, 76, 79 and 80). An employer whose establishment is classified in SICs 52-89 (excluding 52-54, 70, 75, 76, 79 and 80) need not comply, for such establishments, with any of the requirements of this part except the following:

1. Obligation to report under 875—4.8(88) concerning fatalities or multiple hospitalization accidents;
2. Obligation to maintain a log of occupational injuries and illnesses under 875—4.14(88), upon being notified in writing by the United States Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses; and
3. Obligation to report to the Iowa division of workers’ compensation under subrule 4.4(2) any occupational injury or illness which temporarily disables an employee for more than three days or which results in permanent total disability, permanent partial disability, or death.

These rules are intended to implement Iowa Code sections 17A.3, 84A.1, 84A.2, 88.2, 88.6(3), and 88.18.

[Filed July 13, 1972; amended August 29, 1972, December 1, 1972, April 2, 1973,
February 28, 1975]

[Filed 12/15/75, Notice 10/6/75—published 12/29/75, effective 2/4/76]

[Filed 11/18/77, Notice 10/5/77—published 12/14/77, effective 1/20/78]

[Filed 3/15/78, Notice 2/8/78—published 4/5/78, effective 5/15/78]

[Filed 11/2/78, Notice 9/20/78—published 11/15/78, effective 12/22/78]

[Filed emergency 11/8/79—published 11/28/79, effective 1/1/80]

[Filed emergency 11/20/79—published 12/12/79, effective 11/20/79]

[Filed emergency 12/5/79—published 12/26/79, effective 12/5/79]

[Filed emergency 12/5/79—published 12/26/79, effective 1/1/80]

[Filed 10/3/80, Notice 7/9/80—published 10/29/80, effective 12/3/80]

[Filed 7/1/83, Notice 5/11/83—published 7/20/83, effective 9/1/83]

[Filed emergency 9/5/86—published 9/24/86, effective 9/24/86]

[Filed 4/17/87, Notice 9/24/86—published 5/6/87, effective 6/10/87]

[Filed emergency 10/6/94 after Notice 7/6/94—published 10/26/94, effective 10/26/94]

[Filed 1/21/00, Notice 8/25/99—published 2/9/00, effective 3/15/00]